

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
DIVISION OF JUDGES

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AMERICAN MEDICAL RESPONSE OF	:	
CONNECTICUT, INC.	:	
	:	Case No. 01-CA-263985
<i>versus</i>	:	
	:	
INTERNATIONAL ASSOCIATION OF EMTS	:	
AND PARAMEDICS LOCAL R1-999,	:	
NAGE / SEIU LOCAL 5000	:	

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**RESPONDENT’S MOTION TO EXTEND HEARING DATE**

As the Respondent in the above-captioned case, American Medical Response of Connecticut, Inc. (hereafter, the “Company”) hereby requests, by and through its Undersigned Counsel, that the hearing date in the above-captioned case be extended from January 19, 2021 to February 25, 2021.

The Company, as the leading provider of medical transportation services in the State of Connecticut, has an urgent need for a postponement of the hearing given the ongoing surge of the virus. As elsewhere, the current state of affairs in Connecticut is grim. As of January 7, 2021, the State reached a high-water mark in terms of the number of citizens who have died on account of the virus, and reported another 3,204 citizens who have tested positive for the virus, continuing an upward trend that took effect in late December. That same day, the Governor of Connecticut announced that the new strain of the virus has been discovered in

Connecticut, and more specifically, in New Haven, Connecticut, which is one of the Company's largest service areas.<sup>1</sup>

Not surprisingly, given the nature of the Company's services, the virus surge has generated extraordinary challenges. Indeed, the Company's New Haven operations have reached record-setting volumes. At the same time, roughly two dozen of the Company's employees are currently on medical leave, the majority on account of testing positive for the virus. Making matters worse, one of the Company's lead operators recently tested positive for the virus and will be quarantined for at least the next two weeks. Notably, the large majority of the operator's job duties have been absorbed by William Schietinger, the Company's Regional Director, who, of course, continues to be responsible for his own job duties as well. Mr. Schietinger possesses documents responsive to a Subpoena *Duces Tecum* (hereafter, the "SDT") that was served by the General Counsel and, by its terms, covers the period January 1, 2019 to October 15, 2020.<sup>2</sup> Mr. Schietinger is also a necessary witness and, based upon his knowledge of the General Counsel's allegations and the Company's defenses, the Company would

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<sup>1</sup><https://www.courant.com/coronavirus/hc-news-coronavirus-daily-updates-0107-20210107-gkzahi7rubdnxkbewc3j36r5ti-story.html>

<sup>2</sup> The SDT was the subject of a Petition to Revoke, which, on January 5, 2021, was addressed by Administrative Law Judge Andrew Gollin, who stated he would likely rule that the scope of the SDT should be narrowed to cover the period August 1, 2019 to October 15, 2020.

suffer significant and undue prejudice by anyone other than Mr. Schietinger attending the entirety of the hearing as the Company's representative. However, due to the perfect storm the Company is currently weathering, where staffing levels are well below normal, both at the employee and supervisor / manager level, and volume has reached an apex, Mr. Schietinger has insufficient time to attend to the matters that are necessary for the preparation of the hearing and will be unavailable for the hearing itself. In summary, and put simply, the virus has generated a set of circumstances in which the Company would inherently be deprived of a fair hearing to the extent the hearing convened on January 19, 2021.

Separate and apart from the need to postpone the hearing on account of the unique and key role that the Company plays in connection with the fight against the virus surge, the postponement would allow the parties to remain focused on their renewed efforts to resolve the case. Notably, these efforts cover not only the dispute over the information requests that are the subject of the Complaint currently scheduled for hearing on January 19, 2021, but also the parties' underlying dispute over work assignments, which is the subject of a separate and more recent unfair labor practice charge that remains under investigation. See Case No. 01-CA-267805.

In the event the parties are unable to resolve their disputes, the postponement would serve the interests of litigation economy. Specifically, by the time the

hearing convenes on the Complaint, the Regional Director would presumably have sufficient time to determine the merits of the new unfair labor practice charge, and should he make a determination in favor of the Charging Party, a single hearing could be convened on a Consolidated Complaint. A later consolidation of the proceedings would also remove any controversy as to whether a litigation bar should and does apply to an effort by the General Counsel to prosecute the allegations of the new charge as part of a later and freestanding proceeding. See Jefferson Chemical, Co., 200 NLRB 992 (1972).

In these circumstances, the Company respectfully requests there is a compelling need for, and incidentally more than one benefit associated with, a relatively short postponement of the hearing. Nevertheless, John McGrath, Counsel for the General Counsel, informed the Undersigned that the General Counsel opposes the Company's request. By contrast, Douglas Hall, Counsel for the Charging Party, informed the Undersigned that the Charging Party takes no position on the Company's request and advised the Union would be available for the hearing on February 25, 2021.

WHEREFORE, the Company respectfully requests that the hearing date be extended from January 19, 2021 to February 25, 2021.

Dated:       Glastonbury, Connecticut  
              January 11, 2021

Respectfully submitted,

/s/ \_\_\_\_\_

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**CERTIFICATE OF SERVICE**

The Undersigned, Bryan T. Carmody, being an Attorney duly admitted to the practice of law, does hereby certify, pursuant to 28 U.S.C. § 1746, that, on January 11, 2021, the Respondent's Motion to Extend Hearing Date was served upon the following *via* email:

John McGrath  
Counsel for the General Counsel  
National Labor Relations Board, Subregion 34  
450 Main Street  
Hartford, CT  
[John.McGrath@nlrb.gov](mailto:John.McGrath@nlrb.gov)

Douglas Hall  
Attorney for Charging Party  
3510 Main Street  
Bridgeport, CT 06606  
[dhall@nage.org](mailto:dhall@nage.org)

Dated:       Glastonbury, Connecticut  
              January 11, 2021

Respectfully submitted,

/s/ \_\_\_\_\_

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